

(Amending Adm. Circular No. 1-94 dated Jan. 14, 1994)

SC ADMINISTRATIVE CIRCULAR NO. 3-94, January 26, 1994

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TO

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TO ALL EXECUTIVE JUDGES AND PRESIDING JUDGES OF THE REGIONAL TRIAL COURTS

SUBJECT

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GUIDELINES IN THE DISTRIBUTION OF CASES AMONG REASSIGNED JUDGES AND THOSE OF NEWLY CREATED BRANCHES

In the interest of prompt and expeditious disposition of cases, the following rules shall be strictly complied with in the distribution of cases among re-assigned judges and those of newly created branches:

A. DISTRIBUTION OF CASES AMONG RE-ASSIGNED JUDGES

There are complaints that cases are shuffled from one judge to another resulting in the interruption and delay in the hearing and disposition of cases.

- In order to minimize if not avoid public criticism, every trial judge who has started hearing a cases shall continue to hear and decide the case even if a new judge is appointed or designated to replace him. For this purpose, the re-assigned judge shall in the meantime be considered Assisting Judge of the branch to which he was formerly assigned. If the re-assigned judge is only transferred to another branch in the same seat the case shall be transferred to the branch to which he is assigned. If the re-assigned judge is only transferred to another branch in the same seat the case shall be transferred to the branch to which he is assigned. He shall endeavor to so adjust his calendar as to enable him to dispose of his cases efficiently in his original as well as in his present assignment.

Examples:

(a) If Judge A, who is designated Acting Presiding Judge of a particular branch, is replaced by Judge B, who is permanently appointed to the branch, Judge A shall continue to hear the same until terminated and decided by him, unless all the parties agree in writing to have the new judge hear the case.

(b) Under the same situation, if Judge A is appointed to another sala in the same seat, e.g., from Br. 80 to Br. 92, Quezon City, Judge A shall bring the case with him to Br. 92, with the case being replaced in his docket by another case which has not yet been tried and transferred to Br. 80.

- Cases submitted for decision at the time of the appointment of a new judge shall be decided by the judge to whom they were submitted for decision, including motions for reconsideration and motions for new trial

thereafter filed. However, if a new trial is granted, the new judge shall preside over the new trial until terminated.

B. UNLOADING OF CASES TO NEWLY CREATED BRANCHES:

- The Executive Judge shall determine the average caseload of each branch by dividing the total number of cases pending in the station and dividing them by the number of branches thereat including those newly created.
- Each of the original branches may upload its excess over the average number as determined in the preceding section, subject to the following restriction:

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(a) The unloading of cases shall be limited to civil cases which have not gone beyond the pre-trial stage, and criminal cases where the trial proper has not yet commenced.

(b) In the event of an imbalance in the caseloads because fewer cases are unloaded to new courts while existing courts retain higher caseloads, the caseloads shall be equalized by excluding from the raffle all or some of the existing courts with higher dockets. The existing courts will be included in the raffle only when the caseloads of the new courts have attained the average level in the subsequent raffle of additional cases.

- Thereafter, the raffle shall be effected after the Executive Judge shall have collated all the cases to be unloaded and all the parties shall have been duly notified. The unloading shall be gone strictly by raffle unless otherwise authorized by this Court.

- As regards inherited cases which are submitted for decision before trial judges who have been promoted or for any reason are no longer in the service, the following rules shall apply:

(a) Inherited cases shall be decided by judges of existing courts to whom they are assigned. In fact, they are directed to decide these cases with deliberate dispatch.

(b) This Court, on its own initiative or upon recommendation of the Executive Judge, may direct a judge of a newly created court to decide inherited cases.

(c) An inherited case is deemed submitted to a judge for decision after he has received the testimony of the last witness, and for this purpose, the submission of exhibits and the memoranda of the parties shall not be taken into account.

- Within fifteen (15) days from receipt hereof, the Executive Judge shall report to the Court Administrator the number of inherited cases in the area under his administrative supervision.

- In the meantime that the personnel complements of the newly created courts are being organized, their presiding judges may be assigned to assist existing courts with which such newly created courts may be paired. For this purpose, the presiding judge of a newly created court as pair judge of an existing court in the same station may hear and resolve cases and incidents requiring speedy action, such as those involving detention prisoners, applications for search warrants, petitions for habeas corpus, and other cases requiring immediate attention.

C. SPECIAL RULES IN NEWLY CREATED SEATS/STATIONS:

- In areas with newly created seats/stations originally belonging to the territorial area of another court (e.g., RTC, Makati, where new seats or stations have been established in Muntinlupa, Las Piñas and Parañaque), each branch of the court in the original station is directed to immediately make an inventory of the cases which may be properly allocated to the newly created courts.

- In addition to the preceding rules on the unloading of cases to newly organized courts in the new seats/stations,

the following rules shall likewise be observed:

- (a) The cases to be unloaded to the courts in the new station shall not exceed 150 for each branch to give ample allowance for cases which may be filed directly with the new courts.
- (b) In the meantime that the Clerks of court for these new seats/stations are not yet appointed, or that no bonded court employee is designated to receive docket and other legal fees, the payment of such docket and other fees shall be made with the clerks of court of the original stations.

EXAMPLE:

Until the Clerk of court in Muntinlupa is appointed, new cases for Muntinlupa shall be filed in Makati, and the records shall be transmitted to Muntinlupa only after payment of the corresponding docket fees.

Any administrative problem that may arise in the newly created courts not otherwise covered by this Administrative Circular shall be brought to the attention of the Court Administrator before any action is taken thereon so that the latter may, if necessary, refer the matter to the Court for appropriate Resolution.

January 26, 1994.

(Sgd.) ANDRES R. NARVASA

Chief Justice

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